

From the Upper Chamber



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Report for Thursday, March 23, 2006

The thirty-sixth day of the 2006 legislative session was called to order by Lieutenant Governor **Mark Taylor**.

Senator **Don Balfour** of the 9th stated that the journal had been read and was found to be correct.

Senate Bill 681; Senate Resolutions 1256, 1257, 1259, 1270, 1272 and 1273 and House Bills 1099, 1627, 1629, 1630, 1632, 1633 and 1634 were read for the first time and assigned to their respective Committees.

Following the reports of Standing Committees and the second reading of Bills and Resolutions, the morning roll call was taken.

Lt. Gov. **Taylor** recognized Sen. **Doug Stoner** of the 6th to lead the Senate in the Pledge of Allegiance. Sen. **Stoner** then introduced the *Chaplain of the Day*, Rev. Dr. **Ronald McCrary** of Christian Family Fellowship Baptist Church in Mableton, who led the Senate in the daily devotional.

There were no unanimous consents.

SR 1198 was read, and Sen. **Steen Miles** of the 43rd was recognized to speak to the resolution, commending **Gretchen** and **William Winfield** for their work as foster parents.

Sen. **Sam Zamarripa** of the 36th took the well on a Point of Personal Privilege to speak to media coverage in the Latino community regarding SB 529, which provides for comprehensive regulation of illegal immigrants in Georgia.

Sen. **Cecil Staton** of the 18th took the well on a Point of Personal Privilege to mourn the death of a Bibb County Sheriff's deputy, killed in the line of duty early Thursday morning. Sen. **Staton** led the Senate in a moment of silence.

Sen. **Robert Brown** of the 26th took the well on a Point of Personal Privilege to speak to the death of a Bibb County Sheriff's deputy and extend his sympathies to the family.

Sen. **Chip Rogers** of the 21st took the well on a Point of Personal Privilege to condemn the recent publication of a map to his family home in a local newspaper.

Sen. **Jeff Mullis** of the 53rd took the well on a Point of Personal Privilege to announce the birth of **Jai Arie**, son of **Jeremy Arie** of the Senate Information Office, born yesterday.

SR 1102 was read, and Sen. **Emanuel Jones** of the 10th was recognized to speak to the resolution, commending Dr. **Greg Fields**.

SR 1244 was read, and Sen. **Seth Harp** of the 29th was recognized to speak to the resolution, recognizing and thanking an American hero, General **H. Norman Schwarzkopf**. General **Schwarzkopf** thanked the Senate for the resolution and urged support for American troops overseas.

The Senate suspended to greet General **Schwarzkopf**.

Sen. **Chip Pearson** of the 51st was then recognized to introduce the *Doctor of the Day*, Dr. **James Copher** of Gainesville.

SR 1278 was read. Sen. **Casey Cagle** of the 49th was recognized to speak to the resolution, recognizing crisis pregnancy centers.

Privileged Resolutions 1246-1255, 1258, 1261-1269, and 1274-1283 were read and adopted.

The Local Consent Calendar, consisting of HB 1264, 1267, 1366, 1481, 1499, 1562, 1566, 1612, 1613, 1614, 1615, 1616, 1617 and 1624 was adopted by a vote of 44-0.

Sen. **Kasim Reed** of the 35th was recognized to present **Pam Walker**, 2006 Georgia Teacher of the Year, who teaches high school science at Alexander High School. **Walker** then thanked the Senate for the recognition.

Sen. **Cagle** moved that HB 1219, 1121, 1293, 1249 and 194 be engrossed.

Sen. **David Adelman** of the 42nd objected to the motion to engross.

Sen. **Cagle** took the well to speak to the necessity of engrossing House finance bills. He yielded to questions from Sen. **Balfour**.

Sen. **Steve Thompson** of the 33rd took the well to speak against the engrossment of HB 1219, 1121, 1293, 1249 and 194.

Sen. **Adelman** took the well to speak against the engrossment of the House finance bills.

The motion to engross HB 1219 was adopted by a vote of 31-15.

The motion to engross HB 1121 was adopted by a vote of 32-14.

The motion to engross HB 1293 was adopted by a vote of 33-16.

The motion to engross HB 1249 was adopted by a vote of 32-17.

The motion to engross HB 194 was adopted by a vote of 33-17.

The Secretary then read HB 1219, which provides for a sales tax exemption on the sale of certain school supplies, clothing, footwear, computers and computer related accessories for a limited period of time. Sen. **Cagle** took the well to explain the legislation.

Sen. **Thompson** of the 33rd took the well to oppose the legislation.

HB 1219 passed by a vote of 49-0.

HB 1319 was read. The bill changes certain provisions relating to the Georgia Environmental Facilities Authority. Sen. **Ross Tolleson** of the 20th took the well to explain the legislation.

HB 1319 passed by a vote of 45-1.

Sen. **Renee Unterman** of the 45th took the well to recognize German exchange students in the gallery who are participating in a cultural exchange program at Peachtree Ridge High School in Suwanee, Georgia.

The Secretary read HB 724, which authorizes a licensed plumber to access any on-site sewage management system for the purpose of servicing or repairing any plumbing system or connection to the on-site sewage management system. Sen. **Jim Whitehead, Sr.** of the 24th took the well to explain the legislation.

HB 724 passed by a vote of 44-0.

The Secretary read HB 1090, which provides that a contractor that is more than 30 days behind in the performance of a state public works construction contract with the Department of Transportation due to the fault of such contractor shall not be eligible to bid on any additional state public works construction contracts. Sen. **Whitehead** took the well to urge support for the legislation. He yielded to questions from Sen. **Thompson** of the 33rd.

Amendment 1, clarifying the language of the bill, was adopted by a vote of 33-0.

HB 1090 passed as amended by a vote of 42-0.

Majority Leader **Williams** moved that the Senate dissolve itself into a Committee of the Whole to consider HB 1027, the budget for fiscal year 2007. Without objection, the motion carried.

The Senate suspended to set up audiovisual equipment.

President Pro Tempore **Johnson** presided over the Senate.

Sen. **Williams** recognized family members present in the gallery.

Sen. **Jack Hill** of the 4th took the well to present HB 1027 to the Senate.

Sen. **Pearson** took the well to speak to Sections 1, 2 and 3, dealing with the funding for the Georgia Senate, House of Representatives, and General Assembly.

Sen. **Mitch Seabaugh** of the 28th took the well to present changes to Section 4 dealing with the Department of Audits and Accounts.

Sen. **Bill Hamrick** of the 30th took the well to present changes to Sections 5-10 dealing with the Court of Appeals, Judicial Council, Juvenile Courts, Prosecuting Attorneys and the Georgia Public Defenders Standards Council.

Sen. **Seabaugh** returned to the well to present changes to Section 13 dealing with the Department of Administrative Services.

Sen. **Tolleson** took the well to present changes to Section 14 dealing with the Department of Agriculture.

Sen. **Seabaugh** returned to the well to state that no changes were made to section 15 dealing with the Department of Banking and Finance.

Sen. **Mullis** took the well to present changes to Section 16 dealing with the Department of Community Affairs.

Sen. **Greg Goggans** of the 7th took the well to present changes to Section 17 dealing with the Department of Community Health.

Sen. **Johnny Grant** of the 25th took the well to present changes to Section 18 dealing with the Department of Corrections.

Sen. **Hill** of the 4th took the well to state that there were no changes to Section 19 dealing with the Department of Defense and to present changes to Section 20 dealing with the Department of Driver Services.

Sen. **Dan Moody** of the 56th took the well to present changes to Section 21 dealing with the Department of Early Care and Learning.

Sen. **Mullis** returned to the well to present changes to Section 22 dealing with the Department of Economic Development.

Sen. **Moody** returned to the well to present changes to Section 23 dealing with the Department of Education. He also presented changes to Section 24 dealing with the Employees' Retirement System.

Sen. **Tolleson** returned to present changes to Section 25 dealing with the Georgia Forestry Commission.

Sen. **Pearson** returned to the well to present changes to Section 26 dealing with the Governor's Office.

Sen. **Unterman** took the well to present Section 27 dealing with the Department of Human Resources.

Sen. **Hamrick** took the well to present changes to Section 29, dealing with the Georgia Bureau of Investigation and Section 30 dealing with the Department of Juvenile Justice.

Sen. **Tolleson** took the well to present changes to Section 34 dealing with the Department of Natural Resources.

Sen. **Hamrick** took the well to present changes to Section 35 dealing with the Department of Public Safety and Homeland Security.

Sen. **Brian Kemp** of the 46th took the well to present changes to Section 39 dealing with the Board of Regents.

Sen. **Seabaugh** returned to the well to present Section 40 dealing with the Department of Revenue.

Sen. **Pearson** took the well to present Section 41 dealing with the Office of the Secretary of State.

Sen. **Kemp** returned to present Section 43 dealing with the Georgia Student Finance Commission and Authority.

Sen. **Moody** presented changes to Section 44 dealing with the Teachers' Retirement System.

Sen. **Kemp** presented changes to Section 45 dealing with the Department of Technical Education.

Sen. **Mullis** presented changes to Section 46 dealing with the Department of Transportation.

Sen. **Unterman** returned to present changes to Section 47 dealing with Department of Veterans Service.

Sen. **Hill** of the 4th took the well to explain the General Obligation Bonds and conclude the presentation of the budget. He yielded to questions from Sens. **Kemp** and **Regina Thomas** of the 2nd.

The Secretary then read Amendments 1 and 2.

Sen. **Valencia Seay** of the 34th took the well to present Amendment 2, which removes funds from the Life Sciences Facilities Fund, resources supporting the tourism effort and the Seed Capital Fund for investment in order to provide funds for trauma centers. She yielded to questions from Sen. **Kemp**.

Sen. **Unterman** took the well to speak to the amendment and point out that a study committee has been created to study the issue. She yielded to questions from Sen. **Robert Brown** of the 26th. Sen. **Johnson** noted that all senators should speak on the bill and the amendments while still a committee as a whole and a vote could be taken upon reconvening.

Sen. **Michael Meyer von Bremen** of the 12th took the well to present Amendment 1, which removes funds to fund five positions in statewide operations and to provide funds for a pilot project for a sexual assault crimes unit in the Dougherty Judicial Circuit.

Sen. **Tim Golden** of the 8th took the well to speak to the state's debt.

Sen. **Thompson** of the 33rd took the well to speak to his concerns about the loss of funding for mental health in the state budget.

Sen. **Hill** of the 4th took the well to close the debate on HB 1027. He yielded to questions from Sen. **Thompson** of the 33rd.

Amendment 1 failed by a verbal majority.

Amendment 2 failed by a verbal majority.

Sen. **Williams** moved that the Committee adopt the Committee Substitute. The motion passed.

Upon returning from Committee of the Whole, President Pro Tempore **Johnson** reported the favorable recommendation of the adoption of the Committee Substitute.

The Committee Substitute passed by a vote of 43-0.

HB 1027 passed by substitute by a vote of 50-3.

Lt. Gov. **Taylor** returned to preside.

Rules Chairman **Balfour** took the well to speak to the schedule for the remainder of the day.

The Secretary then read HB 1092, which creates a Suicide Prevention Program. Sen. **Unterman** took the well to present the bill.

HB 1092 passed by a vote of 53 to 0.

HB 1106 was read and Sen. **Bill Heath** of the 31st took the well to present the bill, which includes the hauling of construction aggregates to weight of vehicle and load regulations.

HB 1106 passed by a vote of 51 to 0.

Sen. **John Wiles** of the 37th moved that the Senate reorder the calendar in order to take up a supplemental Local Consent Calendar consisting of HB 1192 and 1034-1039.

The Supplemental Local Consent Calendar passed by a vote of 50 to 0.

HB 1121 was read and Sen. **Seth Harp** of the 29th took the well to present the bill, which provides for a sales and use tax exemption with respect to sales of certain tangible personal property used in direct connection with the construction or improvement of the National Infantry Museum and Heritage Park at Fort Benning.

HB 1121 passed by a vote of 50 to 1.

HB 1190 was read and Sen. **Judson Hill** of the 32nd took the well to present the bill, which modifies and clarifies the processes by which collection of unpaid tolls may be accomplished.

HB 1190 passed by a vote of 46 to 0.

The Secretary then read HB 1293, which provides for additional acts which constitute a breach of a conservation use covenant but incur a reduced penalty. Sen. **John Bulloch** of the 11th took the well to present the bill. He yielded to questions from Sen. **Ralph Hudgens** of the 47th.

HB 1293 passed by a vote of 49 to 1.

HB 376 was read and Sen. **Rogers** took the well to present the bill, which provides exemption from jury duty for a primary caregiver of a child who is four years of age or younger.

HB 376 passed by a vote of 50 to 0.

HB 654 was read. Sen. **Hill** of the 32nd took the well to present the bill, which provides for additional definitions relative to all-terrain vehicles.

HB 654 passed by a vote of 46 to 1.

The Secretary read HB 1112, which changes certain provisions relating to licensing of speech-language pathologists and audiologists. Sen. **Grant** took the well to present the bill.

HB 1112 passed by a vote of 52 to 0.

HB 1241 was read and Sen. **John Douglas** of the 17th took the well to present the bill, which provides that no high school which receives funding under the *Quality Basic Education Act* shall participate in or sponsor interscholastic sports events conducted by any athletic association unless the athletic association provides for certain eligibility conditions for student athletes.

Sen. **Steen Miles** of the 43rd took the well to present Amendment 1, which would make parents accountable for the actions of disruptive students. She yielded to questions from Sen. **Douglas, Heath** and **Kemp**.

Sen. **Harp** requested a ruling on the germaneness of the amendment. Lt. Gov. **Taylor** ruled the amendment out of order.

HB 1241 passed by a vote of 51 to 0.

HR 1421 was read and Sen. **Hill** of the 32nd took the well to present the bill, which requires that a defendant be present in court and announce ready for trial if a demand for trial is filed. It also requires that a demand for trial be filed and served as a separate document and labeled as a demand for trial. The Committee Substitute and Amendment 1 were also read. Sen. **Hill** of the 32nd took the well to present the Committee Substitute.

Sen. **Vincent Fort** of the 39th took the well to present Amendment 1, which relates to hate crimes. He yielded to questions from Sens. **Seabaugh, Hill** of the 32nd, **Moody, Thompson** of the 33rd, **Brown, Wiles, Douglas, Thomas** of the 2nd and **Dan Weber** of the 40th.

Sen. **Adelman** took the well to speak in support of the amendment. He yielded to questions from Sens. **Thompson** of the 33rd and **Meyer von Bremen**.

Sen. **Reed** took the well to offer his support for the amendment.

Sen. **Wiles** took the well to present Amendment 1a, which gives a judge discretion in sentencing rather than mandatory language proposed in Amendment 1. He yielded to questions from Sen. **Fort**.

Sen. **Hill** of the 32nd took the well to present Amendment 1b, which strikes language concerning damage to property in Amendment 1. He yielded to questions from Sen. **Weber**.

Sen. **Adelman** returned to the well to speak against Amendments 1a and 1b and in support of Amendment 1.

Sen. **Thompson** of the 33rd took the well to offer support for Amendment 1.

Sen. **Hill** of the 32nd took the well to present Amendment 1c in lieu of Amendment 1b.

Sen. **Adelman** took the well to speak in opposition to Amendment 1c.

Sen. **Hill** of the 32nd moved to withdraw Amendment 1b. Without objection, it was withdrawn.

Sen. **Williams** moved the previous question.

Amendment 1a was adopted by a vote of 44 to 0.

Amendment 1c was adopted by a vote of 30 to 23.

Amendment 1 was adopted as amended by a vote of 30 to 17.

The Committee Substitute was adopted by a vote of 35 to 11.

HB 1421 passed by substitute as amended by a vote of 30 to 24.

Sen. **Williams** moved that the Senate insist of its position to HB 1027. Without objection, the Senate insisted.

Majority Leader **Williams** moved that the Senate stand in recess until 9 p.m. and then adjourn until Friday, March 24, at 9:00 a.m. Following the announcements, the Senate then adjourned.

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